

**REMARKS**

Claims 1 through 25 and 27 through 33 are currently pending in the application.

Claim 26 has been canceled.

Claim 33 is newly added.

Claims 1 through 6, 9, 14 through 18, 21, and 26 stand rejected.

Claims 7, 8, 10 through 13, 19, 20, and 22 through 25 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation.

Applicants have amended claims 1, 14, and 27, through 32.

Applicants respectfully request reconsideration of the application as amended herein.

**35 U.S.C. § 102 Anticipation Rejections**

Anticipation Rejection Based on U.S. Patent 5,212,910 to Breivogel et al.

Claims 1 through 3, 6, 9, 14, 15, 18, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Breivogel et al. (U.S. Patent 5,212,910). Applicants respectfully traverse this rejection, as hereinafter set forth.

Applicants assert that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants reassert the arguments set forth in response to the rejection based on Breivogel et al. at page 9 in the Amendment previously filed on May 7, 2005.

In addition, Applicants have amended independent claim 1 to require the presence of a deformable pad that exhibits a physical property that varies across the deformable pad.

Applicants describe in the as-filed specification (with reference to FIG. 16) that “a deformable pad 216 of the present invention may include a plurality of the solid supports 218 distributed in varying densities within the deformable pad 216. Those areas within the

deformable pad 216 including more solid supports 218 per unit area will tend to be less resilient than those areas of the deformable pad 216 including less solid supports 218 per unit area.” As-filed Specification, Paragraph [0068]. In this manner, Applicants clearly teach a deformable pad that exhibits a physical property that varies across the deformable pad.

The Applicants also describe various additional methods for varying or altering the physical characteristics and properties of a deformable pad in the as-filed specification at paragraphs [0065]-[0071] and FIGS. 14-22. For example, Applicants describe that “[t]he physical characteristics of the solid supports of the deformable pad . . . may be altered by adjusting the physical characteristics of the solid material used to fabricate the solid supports or by forming the solid supports using more than one material. For example, . . . a particular material may be fabricated in varying densities to provide solid supports which are more or less resilient, or, alternatively, the density of the material used in each solid support may be prepared such that the material is progressively more or less dense, thereby providing a progressive resilience.” As-filed Specification, Paragraph [0066]. “Solid supports having desired physical characteristics may be achieved by forming the solid supports out of more than one solid material.” As-filed Specification, Paragraph [0066]. Furthermore, “a deformable pad . . . may include a plurality of solid supports including one or more solid supports formed of a single material as well as one or more composite solid supports.” As-filed Specification, Paragraph [0067]. “The physical characteristics of a deformable pad of the present invention may also be modified by altering the distribution of the solid supports included in the deformable pad.” As-filed Specification, Paragraph [0068]. Furthermore, Applicants describe that “[t]he size and shape of the solid supports included in a deformable pad of the present invention may also be varied in order to alter or optimize the physical properties of the deformable pad.” As-filed Specification, Paragraph [0069].

Applicants assert that Breivogel et al. does not identically describe the element of the claimed invention of presently amended independent claim 1 calling for “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, the deformable pad exhibiting a physical property that varies across the deformable pad in at least one direction parallel to the polishing surface of the polishing pad,

the plurality of solid supports substantially devoid of entrapped cells of gas or liquid". In contrast to such claimed invention, all of the tiles 25 provided on each pad described by Breivogel et al. are identical in size, shape, spacing, and material composition. Therefore, Breivogel et al. neither expressly nor inherently identically describes a deformable pad that exhibits a physical property that varies across the deformable pad. Accordingly, Applicants assert that presently amended independent claim 1 is allowable.

Claims 2, 3, 6, and 9 are allowable as depending from presently amended independent claim 1.

In addition, dependent claim 6 is not anticipated by Breivogel et al. under 35 U.S.C. § 102 because Breivogel et al. fails to identically describe the element of the invention calling for at least one of a ventral layer and a dorsal layer integrally formed with the plurality of solid supports.

Furthermore, dependent claim 9 is not anticipated by Breivogel et al. under 35 U.S.C. § 102 because because, in the context of claim 9 as read in conjunction with independent claim 1, Breivogel et al. does not identically describe the element of the invention calling for a plurality of solid supports comprising one or more elastically deformable materials.

Claim 14 has been amended in a manner similar to the amendments to independent claim 1, and is allowable for the same reasons. In other words, Breivogel et al. fails to describe, *inter alia*, providing a deformable pad exhibiting a physical property that varies across the deformable pad.

Claims 15, 18, and 21 are allowable as depending from presently amended independent claim 14.

Dependent claim 18 is not anticipated by Breivogel et al. under 35 U.S.C. § 102 because because Breivogel et al. fails to identically describe the element of the invention calling for integrally forming the plurality of solid supports with at least one of a ventral layer and a dorsal layer.

Anticipation Rejection Based on U.S. Patent 6,561,891 to Eppert, Jr. et al.

Claims 1, 3 through 6, 9, 14 through 18, and 21 stand rejected under 35 U.S.C. § 102(a)

as being anticipated by Eppert, Jr. et al. (U.S. Patent 6,561,891). Applicants respectfully traverse this rejection, as hereinafter set forth.

As previously discussed herein, Applicants have amended independent claim 1 to require the presence of a deformable pad that exhibits a physical property that varies across the deformable pad.

Applicants assert that Eppert, Jr. et al. does not identically describe the element of the claimed invention of presently amended independent claim 1 calling for “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, the deformable pad exhibiting a physical property that varies across the deformable pad in at least one direction parallel to the polishing surface of the polishing pad, the plurality of solid supports substantially devoid of entrapped cells of gas or liquid”.

Therefore, Eppert, Jr. et al. neither expressly nor inherently identically describes the element of the claimed invention calling for a deformable pad that exhibits a physical property that varies across the deformable pad. Accordingly, presently amended independent claim 1 is allowable

Dependent claims 3 through 6, and 9 are allowable as depending from presently amended independent claim 1.

Independent claim 14 has been amended in a manner similar to the amendments to claim 1, and is allowable for the same reasons. In other words, Eppert, Jr. et al. fails to identically describe, *inter alia*, the element of the claimed invention calling for providing a deformable pad exhibiting a physical property that varies across the deformable pad.

Dependent claims 15 through 18, and 21 are allowable as depending from claim 14.

Anticipation Rejection Based on U.S. Patent 6,217,426 to Tolles et al.

Claims 1, 2, 9, 14, and 21 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Tolles et al. (U.S. Patent 6,217,426). Applicants respectfully traverse this rejection, as hereinafter set forth.

As previously discussed herein, Applicants have amended independent claim 1 to require the presence of a deformable pad that exhibits a physical property that varies across the deformable pad.

Applicants assert that Eppert, Jr. et al. does not identically describe the element of the claimed invention of presently amended independent claim 1 calling for “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, the deformable pad exhibiting a physical property that varies across the deformable pad in at least one direction parallel to the polishing surface of the polishing pad, the plurality of solid supports substantially devoid of entrapped cells of gas or liquid”. In contrast to the presently claimed invention, all of the grooves and protrusion described by Tolles et al. are identical in size, shape, spacing, and material composition. It follows that Tolles et al. neither expressly nor inherently identically describes a deformable pad that exhibits a physical property that varies across the deformable pad. Therefore, Applicants assert that presently amended independent claim 1 is allowable.

Dependent claims 2 and 9 are allowable as depending from independent claim 1.

Independent claim 14 has been amended in a manner similar to the amendments to claim 1, and is allowable for the same reasons. In other words, Tolles et al. fails to describe, *inter alia*, providing a deformable pad exhibiting a physical property that varies across the deformable pad.

Claim 21 is allowable as depending from independent claim 14.

### **Objections to Claims/Allowable Subject Matter**

Claims 7, 8, 10 through 13, 19, 20, and 22 through 25 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicants note the indication of allowable subject matter with appreciation. Applicants respectfully submit that claims 7, 8, 10 through 13, 19, 20, and 22 through 25 are allowable in their present form for the reasons stated above with respect to the claims from which each respectively depends.

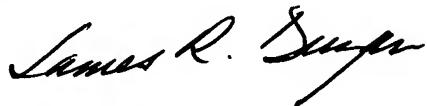
### ENTRY OF AMENDMENTS

The amendments to claims 1, 14, and 27 through 32 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

### CONCLUSION

Claims 1 through 25 and 27 through 33 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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